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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,343	09/30/2003	T.G. Vishwanath	871.0115.U1(US)	7139

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EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/676,343	<b>Applicant(s)</b> VISHWANATH ET AL.	
	<b>Examiner</b> Tilahun B. Gesesse	<b>Art Unit</b> 2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-19 is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/30/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Drawings***

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawing is informal (see fig. 1) and does not illustrate how the time multiplexing technique operates. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US pat. No. 6,539,006) in view of Tamura (US 6907,049).

Claims 1 and 9, Taylor teaches a method to operate a spread spectrum receiver with an active set of base stations , (col. 1, lines 26-68 and abstract) comprising:

Taylor teaches Monitoring a current serving base station of the active set with a first set of figures (col. 5, lines 7-18) and

Taylor teaches simultaneously monitoring individual ones of remaining base stations is designated as a candidates base stations for potentially replacing the current serving base station and is monitored continuously by a second set of figures [col.5, line 20-col. 6line 29 and fig.2] and where the other remaining ones of the base stations of the active set are monitoring in a by a third of figures [see col. 5 lines 20-49].

Taylor does not teach time multiplexing manner . however, Tamura teaches time multiplexing manner (see col.8, lines 49-54). Both Taylor and Tamura teaches monitoring signal strength radio in spread spectrum technique, then, it would have been obvious to multiplex, received channels timely, from plurality of base stations, the combined channels of Taylor , as evidenced by Tamura, in order to monitor the over all channels in at controller and select base station with strong signal reception.

Claims 2 and 10, Taylor teaches detecting that one of the remaining ones of the base stations of the active set is received with a stronger signal that the candidate base stations and designating the detected one of the base stations as a new candidate base stations [see col. 5, lines 20-49], and beginning the continuous monitoring of the new candidate base station which monitoring the other remaining ones of the base stations of the active set, including the previous candidate base stations (see abstract). Taylor does not teach time multiplexing manner . however, Tamura teaches time multiplexing manner (see col.8, lines 49-54). Both Taylor and Tamura teaches monitoring signal strength radio in spread spectrum technique, then, it would have been

obvious to multiplex, received channels timely, from plurality of base stations, the combined channels of Taylor, as evidenced by Tamura, in order to monitor the over all channels in at controller and select base station with strong signal reception.

Claims 3-4 and 11-12, Taylor teaches individual one of the other remaining ones of the base stations of the active set are monitoring for a predetermined period of time and is about 100ms (see fig. 2, and col. 5 line 10-col. 6 line 20)

Claims 5-6 and 13-14, Taylor teaches a pilot channel of the individual ones of remaining base stations of the active set are monitored and demodulated for the candidate base station and for a currently selected one of the other remaining ones of the base stations of the active set (see fig. 2, and col. 5 line 10-col. 6 line 20)

Claims 7-8 and 15-16, Taylor teaches the second set of figures is used to obtain an average carrier to interference ratio of the remaining base stations of the active set for use in making a cell selection decision and when identifying a target cell during a call (col. 4 lines 47-68 and fig. 2).

#### ***Allowable Subject Matter***

Claims 17-19 allowed. The following is an examiner's statement of reasons for allowance: the prior art of record does not teach in response to detecting that one of the remaining ones of the base stations of the active set is received with a stronger signal

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than the Candidate base station, designating the detected one of the base stations as a new Candidate base station, and beginning the continuous monitoring of the new Candidate base station while monitoring the other remaining ones of the base stations of the active set, including the previous Candidate base station, in the time multiplexed manner. These limitation , in conjunction with all other limitations, have not been disclosed, taught or made obvious over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bruckert et al (US 5,920,549) teaches monitoring base stations signal and simultaneous receiving searcher a hot neighbor list (see abstract and fig.1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

The Central FAX Number is 571-273-8300. For patent related

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correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6/15/06  
*Tilahun Geesess*  
TILAHUN GESESSE  
PRIMARY EXAMINER